Writ Petition No. 218 (S/S) 2003

Chhatrapal Singh- ……. Petitioner

Versus

State of Uttaranchal & Others- …….. Respondents.

Hon'ble M.M. Ghildiyal J.

The petitioner who was working in G.I.G. Raipur; District Udham Singh Nagar earlier filed a writ petition No. 1247 (S/B), 2002 challenging the order dated 31st July, 2002 by which he was relieved for State of U.P. in pursuance of the order dated 20.07.2002 of Director of Education, Uttaranchal. The petitioner, thereafter, sought permission of the Court to withdraw the writ petition. The Court dismissed the writ petition on 27.09.2002. The order-dated 27.09.2002 is quoted hereunder:-

> "Heard Sri K.S. Bhaskar, learned counsel for the petitioner. He seeks permission to withdraw the petition. Permission granted. The petition is, therefore, disposed of as withdrawn."

From the above order, it is clear that the petitioner was not permitted to file a writ petition, as there is no order of the Court, which gives him liberty to file fresh writ petition. The petitioner, thereafter, filed another writ petition No. 254 (S/B), 2003 challenging the same order dated 31st July 2002 by which he was relieved for State of U.P. However, the State of U.P. did not permit him to join in the State of U.P. as the order relieving the petitioner was passed unilaterally by State of Uttaranchal without consent of State of U.P. This Court on 15.04.2003 finally disposed of the writ petition directing the Director of Education to permit the petitioner to re-join at any place in Uttaranchal where the post is vacant, till he is finally allocated and to pay arrears of salary to the petitioner from August 2002 onwards. In compliance of this Court's order dated 15.04.2003, the Joint Director of Education, Kumoun Mandal, Nainital by order 8th may, 2003 posted the petitioner at G.I.G. Dharchula, District Pithoragarh. The petitioner, by means of this writ petition, has

challenged the order-dated 08.05.2003 and further prayed for a direction to respondent to permit him to join at the same place from where he was relieved earlier. The order of Joint Director of Education dated 8th May 2003 is in compliance of this Court's order dated 15.04.2003. By the order dated 15.04.2003 this Court has directed the Director of Education to post the petition at any place in the State of Uttaranchal where the post is vacant and the Joint Director of Education has posted the petitioner at G.I.G. Dharchula, District-Pithoragarh. By the order dated 8th May, 2003, the Joint Director of Education has further stated that the period, since the petitioner was relieved from G.I.G., Raipur till he joins at his new place of posting, shall be treated as a leave.

I find no infirmity in the order passed by the Join Director of Education. The writ petition is dismissed. No order as to costs.

(M.M.Ghildiyal J.)

June 09,2003:
NCM: